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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION

MONICA EISENSTECKEN, et al.,

Plaintiffs,

vs.

TAHOE REGIONAL PLANNING AGENCY,  
et al.,

Defendants.

Case No. 2:20-cv-02349-TLN-CKD  
**STIPULATION AND ORDER  
REGARDING PLAINTIFFS'  
MOTION FOR LEAVE TO FILE  
THIRD AMENDED COMPLAINT**

Filed: June 3, 2022  
Trial Date: None Set

Plaintiffs Monica Eisenstecken, Tahoe Stewards LLC, Tahoe for Safer Tech,  
Environmental Health Trust, and David Benedict (collectively, "Plaintiffs"), and Defendants

1 Tahoe Regional Planning Agency (“TRPA”), Joanne Marchetta, in her official and individual  
2 capacities, Marsha Berkgigler, in her official and individual capacities, Sue Novasel, in her  
3 official and individual capacities, Sacramento Valley Limited Partnership, d/b/a Verizon  
4 Wireless, Guillian Nel, and the City of South Lake Tahoe (collectively, “Defendants”), hereby  
5 stipulate as follows:  
6

7 1. On March 30, 2022, the Court issued its decision granting Plaintiffs’ Motion to  
8 File a Second Amended Complaint, and directed that said Complaint be filed within 14 days.

9 2. On April 11, 2022, pursuant to the Court’s Order, Plaintiffs filed their Second  
10 Amended Complaint. On April 13, 2022, newly-added defendant, the City of South Lake Tahoe  
11 was served with the Summons and the Second Amended Complaint, and the Execution of Service  
12 of the Summons was filed with the Court on April 18, 2022.

13 3. On April 29, 2022, in order to conserve judicial resources and the parties’  
14 energies, time, and costs, the parties filed a Stipulation with the Court wherein Plaintiffs agreed to  
15 extend Defendants’ time to answer or move against the Second Amended Complaint during the  
16 pendency of Plaintiffs’ Motion for Leave to file a Third Amended Complaint, which Plaintiffs  
17 proposed to file on or before May 6, 2022.

18 4. On May 6, 2022, Plaintiffs filed a Motion for Leave to file a Third Amended  
19 Complaint, pursuant to Rule 15(a) and 16 of the Federal Rules of Civil Procedure, adding  
20 allegations to the Second Amended Complaint.  
21

22 5. On May 18, 2022, Defendants filed a Notice of Non-Opposition to Plaintiffs’  
23 Motion for Leave to file a Third Amended Complaint. Defendants stated that their non-  
24 opposition “should not be construed as a reflection on the merits of the proposed third amended  
25 complaint or whether it complies with the pleading requirements. Defendants expressly reserve  
26 any and all defenses to the claims in the third amended complaint and all bases for dismissal  
27  
28

thereof.”

6. On May 20, 2022, the Court submitted Plaintiffs’ Motion for Leave to File a Third Amended Complaint without oral argument, and vacated the hearing set for June 16, 2022. In its Minute Order entered on May 20, 2022, the Court stated: “In light of the unopposed nature of the motion and the Court’s heavy caseload, the Court advises the parties that if they wish for a decision in a shorter time frame they should consider submitting a stipulation to amend in place of the motion. The parties will not be penalized in any way for not filing a stipulation.”

7. Due to the length and complexity of the Third Amended Complaint and the time constraints imposed by other matters, Defendants need forty-five (45) days in which to respond to the Third Amended Complaint.

WHEREFORE, in order to reduce the Court’s heavy workload and improve judicial efficiency in the handling of this litigation, and pursuant to the Court’s May 20, 2022 Order, the parties stipulate that:

A. Plaintiffs are hereby granted leave to file the proposed Third Amended Complaint, attached as Exhibit 1 to their Motion for Leave to File Third Amended Complaint, filed with the Court on May 6, 2022 (Docket Entry #53, Exhibit 1), within ten (10) days of the Court’s entry of an order approving this Stipulation.

B. Defendants shall have forty-five (45) days from the date of filing of the Third Amended Complaint with the Court to answer or move against the Third Amended Complaint.

Dated: June 3, 2022

/s/ Julian Gresser

Julian Gresser

Swankin & Turner

Attorney for Plaintiffs

MONICA EISENSTECKEN, TAHOE

STEWARDS, LLC, TAHOE FOR SAFER TECH,

DAVID BENEDICT,

and ENVIRONMENTAL HEALTH TRUST

/s/ Debbie Leonard

Debbie Leonard

Attorney for Defendants

TAHOE REGIONAL PLANNING AGENCY,

JOANNE MARCHETTA, MARSHA

BERKBIGLER, and SUE NOVASEL

MACKENZIE & ALBRITTON LLP

/s/ James A. Heard

JAMES A. HEARD

Attorneys for Defendants

SACRAMENTO VALLEY LIMITED

PARTNERSHIP, d/b/a VERIZON WIRELESS and

GUILLIAM NEL

/s/ Heather Stroud

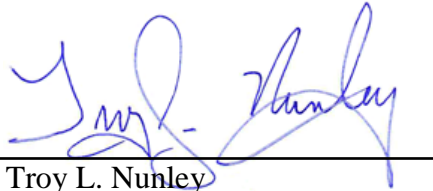
HEATHER STROUD

City Attorney

CITY OF SOUTH LAKE TAHOE

SO ORDERED:

Dated: June 9, 2022



Troy L. Nunley

United States District Judge